

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild
Jeremy Ferguson

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UNITED STATES DISTRICT COURT
for the

Eastern District of Michigan

United States of America

v.

Francisco LINARES AGUILAR

Case: 2:24-mj-30236

Assigned To : Unassigned

Assign. Date : 6/21/2024

Case No. Description: RE: FRANCISCO
LINARES AGUILAR (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of June 17, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a), (b)(2)

Unlawful Re-entry after Removal from the United States, Prior Aggravated
Felony

This criminal complaint is based on these facts:

On or about June 17, 2024, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Francisco LINARES AGUILAR, a non-citizen from Honduras who had previously been convicted of an aggravated felony offense, and who was subsequently deported and removed from the United States at or near New Orleans, Louisiana on or about April 18, 2013, was found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(2).

☒ Continued on the attached sheet.
*Complainant's signature*Jeremy J. Ferguson, Enforcement Officer, CBP
*Printed name and title*Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: June 21, 2024
*Judge's signature*City and state: Detroit, MIDavid R. Grand U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jeremy J. Ferguson, being duly deposed and sworn states:


1. I am an Enforcement Officer with the United States Department of Homeland Security (DHS), Customs and Border Protection (CBP). I have been employed with the same for over twenty years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the re-entry of removed non-citizens and I have received training in this area.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all the information collected during my investigation.
3. The defendant, Francisco LINARES AGUILAR is a 35-year-old male native and citizen of Honduras, who last entered the United States at or near an unknown place, on or about an unknown date, without being admitted, inspected, or paroled into the United States by an immigration officer.
4. On June 17, 2024, at approximately 1:00 am, LINARES AGUILAR was encountered by CBP at the Fort Street Cargo Facility in Detroit, Michigan when the vehicle he was a passenger in entered the bridge plaza from Detroit to Canada. The vehicle turned around on the bridge before getting to the Canadian side. The vehicle and occupants arrived at the pre-primary inspection area on the US-side of the border and stopped before reaching the inspection booths. LINARES AGUILAR and the driver of the vehicle both exited the vehicle and took off running away from the inspection area.
5. CBP Officers gave chase on foot and in marked law enforcement vehicles with emergency lights activated. LINARES AGUILAR climbed the exterior of an administration building within the port of entry and attempted to hide on the roof. He disobeyed officer commands to come down off the roof which were provided over the vehicle's public address system in English and in Spanish.
6. At approximately 2:00 am officers accessed the roof from within the building and detained LINARES AGUILAR without incident.

7. In the secondary inspection area LINARES AGUILAR's fingerprints were queried through the Automated Fingerprint Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS) which resulted in matches to Fingerprint Identification Number (FIN) XXXXXX5947 and FBI number XXXX9AD7, which correspond to the immigration action and criminal convictions noted below.
8. I responded to the secondary office and queried LINARES AGUILAR through the Enforce Alien Removal Module (EARM), an immigration database maintained by the Department of Homeland Security (DHS) which contains information about non-citizens who are removed from the United States and found him to be a match to Alien File XXX XXX 163, as well as the removal noted below.
9. On or about June 27, 2008, LINARES AGUILAR was convicted in the Davidson County Court at or near Nashville, Tennessee for the offense of driving without a license, a misdemeanor, in violation of Tennessee law. For that offense he was sentenced to pay a \$2.00 fine and \$166.50 in court costs.
10. On or about June 1, 2009, LINARES AGUILAR was convicted in the Davidson County Court at or near Nashville, Tennessee for the offense of driving without a license, a misdemeanor, in violation of Tennessee law. For that offense he was sentenced to pay a \$50.00 fine and \$181.50 in court costs.
11. On or about November 8, 2010, LINARES AGUILAR was convicted in the Davidson County Court for the offense of Facilitation of Robbery, Aggravated, Weapon or Object, a felony, in violation of Tennessee law. For that offense he was sentenced to serve 6 years' incarceration and pay \$14,199.05 in court costs.
12. On or about January 18, 2013, LINARES AGUILAR was encountered by immigration officials at the Davidson County Sheriff Department in or near Nashville, Tennessee. A designated official issued an Administrative Final Removal Order to LINARES AGUILAR pursuant to Section 238 of the Immigration and Nationality Act (INA), as amended. LINARES AGUILAR was removed from the United States on or about April 18, 2013, to Honduras via New Orleans, Louisiana pursuant to that Administrative Final Removal Order.
13. I queried LINARES AGUILAR through the Central Index System (CIS) and Computer Linked Application and Information Management System (CLAIMS). These databases are maintained by DHS and contain information relating to applications for immigration benefits and/or relief. Review of the records for LINARES AGUILAR and queries in U.S. Department of Homeland Security


databases confirm that no record exists of him obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States.

14. I queried LINARES AGUILAR through the Consular Consolidated Database (CCD), a database maintained by the Department of State which contains passport and visa applications and records. I found no record of LINARES AGUILAR ever having applied for or receiving a U.S. visa of any kind or classification.
15. I queried LINARES AGUILAR through TECS, a US government database that contains information about all persons who arrive in the United States at designated ports of entry and apply for admission. I found no record of LINARES AGUILAR ever lawfully arriving or being inspected, admitted, or paroled into the United States by a US border official.
16. LINARES AGUILAR was arrested and detained by CBP on June 17, 2024, for administrative processing of a Reinstatement of Prior (Removal) Order pursuant to Section 241(a)(5) of the INA as amended.
17. The aforementioned arrest (or apprehension) (and subsequent detention) was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
18. Based on the foregoing, there is probable cause to believe that, on or about June 17, 2024, at or near Detroit, Michigan, in the Eastern District of Michigan, Southern Division, Francisco LINARES AGUILAR, a non-citizen from Honduras, who had previously been convicted of an aggravated felony offense, and was subsequently excluded, deported and removed from the United States on or about April 18, 2013 at

or near New Orleans, Louisiana, was found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(2).


Jeremy J. Ferguson
Enforcement Officer
U.S. Customs and Border Protection

Subscribed and sworn to before me in
my presence and/or by reliable electronic means


David R. Grand
United States Magistrate Judge

June 21, 2024